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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,600	03/06/2007	Joaquin Keller	292108US2PCT	3612
22850	7590	04/21/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NGUYEN, PHUNG HOANG JOSEPH	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 04/21/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/581,600	<b>Applicant(s)</b> KELLER, JOAQUIN	
	<b>Examiner</b> PHUNG-HOANG J. NGUYEN	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/8/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Title Objections***

1. The title of the application is objected to because of the following informalities:  
Misspelling of the title "Ultimedia Conference Systems". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 29-30 are rejected under 35 U.S.C. 101 for claiming the non-statutory subject matter of a computer program. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a data structure per se held nonstatutory). Therefore, since the claimed programs are not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has not complied with 35 U.S.C 101.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**4. Claims 15-16 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (US Pub 2004/0131167).**

As to claims 15 and 22, Chang teaches a device for managing remote conferences, comprising:

means for receiving from a telephone conference bridge, participant audio presence data in an audio conference (fig. 3; pars. 0058).

storage means for storing user telephone number data and data identifying a user apparatus in connection with the telephone number data (i.e., database 135, profile database 140 and Conference Data Store of fig. 2; par. 0059); and

means for determining (i.e., profile database 140), by the audio presence data and the stored data, apparatuses of participants in a conference (pars. 0060-0061).

As to claim 16, Chang teaches the storage means stores a database of telephone and user apparatus identification number data (i.e., database 135, profile database 140 and Conference Data Store of fig. 2: also see claim 1, 2<sup>nd</sup> limitation).

As to claim 17, Chang teaches sending means for sending conference data to the apparatuses of participants in a conference (par. 0068; also see fig. 5 for conf. data).

As to claims 18 and 24, Chang teaches means for identifying a request for sending conference data to at least one of the apparatuses of a participant in a conference (par. 0034 and 0077. Also see fig. 1 for Service Node 120 for managing conference matters and fig. 7 for setting up a request).

As to claim 19, Chang teaches means for determining a type of data (conference message in fig. 5), from the conference data, which may be provided to at least one of the apparatuses of a participant in a conference (par. 0068-0071 and 0090).

As to claim 20, Chang teaches sending means for sending to each user apparatus identified as a participant in a conference, data relating to the apparatuses of other users also participating in the conference (pars. 0038-0039 where subscriber 160 provision other participants' information)

As to claim 21, Chang teaches a remote conference system (par 0004 where participants are from various geographic locations), comprising: a plurality of apparatuses of users or participants (subscribers 105, 106, 115, and 160).

As to claim 25, Chang teaches conference data is addressed to an apparatus of a participant in the conference without any specific request from the participant (par. 0050 where scheduler sends an immediate conference of type 1. Also fig. 5 and 6).

As to claim 27-28, Chang teaches the stored data identifying a user apparatus in connection with telephone number data, is sent to a device for managing (par. 0053, and 0059 and fig. 3 show the provisioning of information and stored in Provisioning Module 200) each apparatus during and before a request for establishing a conference or during a request for accessing an already existing conference (par. 0007 where

each invitee is then required to dial the contact number at the specified time to join the conference call, which may already be in progress).

As to claim 29-30, (also see par. 2 for 35 U.S.C 101 compliance), Chang teaches computer program and computer readable medium storing data (par. 0020; SN Control Computer 125 of fig. 1).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6. Claims 23 and 26 are rejected under 35 U.S.C. 103(a) as being anticipated by Chang et al further in view of Ludwig et al (US Pat 7,185,054);**

As to claim 23, Chang teaches the audio presence data (fig. 3; pars. 0058, telephone number or other identifiers), the conference bridge and a management device.

Change does not teach the audio presence data is communicated from the conference bridge to a management device as soon as a user alters his/her presence at an audio conference.

Ludwig teaches a user "may leave a conference by just hanging up, which causes the Audio Video Network Manager (AVNM) to delete the associated call handles and to send a hang-up notification to Conference Bridge Manager (CBM). When CBM

receives the notification, it notifies all other conference participants that the participant has exited (Col. 25, lines 43-47) for the purpose of letting the remaining participants that a particular participant is no longer present in a conference call

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teaching of Ludwig and Chang for the purpose of providing the latest update on the participants presence status. It is also a way to inform the CBM to keep track of billing record if it is involved a fee.

As to claim 26, Chang teaches the data for identifying apparatuses of other users participating in the conference and at least one participant in the conference. Change does not teach the action that the data for identifying apparatuses of other users participating in the conference is addressed to at least one participant in the conference.

Ludwig teaches a teleconference among a plurality of participants ... allowing an initiating participant to initiate collaboration by selecting at least one participants listed in at least one of the graphical rolodex and quick dial list; and automatically establishing one of a plurality of communication types with a selected participant upon a communication type being selected or by default when the participant is selected (Abstract; col. 42, lines 60 - col. 43, line 15) for the purpose of providing a multimedia conference call with many specific features that enhances a call.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teaching of Ludwig and Chang for

the purpose of incorporating greater advantageous features to the participants and certain to increase the marketability from the provider's stand.

***Cited Related Prior Art***

The prior art made of record and not relied upon is considered pertinent applicant's disclosure.

Lowery et al (US Pat 6,148,068)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571 272 7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 11, 2008

/Phung-Hoang J Nguyen/  
Examiner, Art Unit 2614

/Fan Tsang/  
Supervisory Patent Examiner, Art Unit 2614